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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BERNARDO MENDIA,

Plaintiff,

v.

JOHN M. GARCIA, ET AL.,

Defendants.

Case No. C 10-3910 (MEJ)

**DEFENDANTS' OPPOSED MOTION
FOR LEAVE TO FILE DEFENDANTS'
REPLY TO PLAINTIFF'S RESPONSE
TO ORDER TO SHOW CAUSE**

Honorable Maria-Elena James

DATE: April 27, 2017

TIME: 10:00 AM

PLACE: Courtroom B, 15th Floor

Defendants respectfully request leave to reply to Plaintiff's response to the Court's Order to Show Cause ("OSC"). See ECF Nos. 224, 234. Plaintiff has failed to comply with the Court's multiple orders requiring him to attend his deposition on March 22, 2017, in San Francisco,

Defendants' Opposed Motion for Leave to File Defendants' Reply to Plaintiff's Response to Order to Show Cause
CASE NO. C 10-3910 MEJ

1 California; a Court-ordered in-person meet-and-confer on March 23, 2017; and a hearing on his
2 Motion to Stay Proceedings on March 23, 2017. ECF Nos. 230, 210, 220. Additionally, the
3 OSC noted that Plaintiff has failed to comply with his Rule 26 obligations and the Court's March
4 9, 2017 Order because he has not provided Defendants with documents related to his damages.
5 ECF Nos. 203, 213, 216; *see* ECF Nos. 194 ¶¶ 1-2, 203 ¶ 2; Fed. R. Civ. P. 26(a)(1)(A)(iii). The
6 Court further stated that sanctions may include, but not limited to, monetary penalties, striking
7 Plaintiff's request for damages, or dismissing his claims.
8

9 At the hearing on March 23, 2017, Defendants suggested that the Court consider limiting
10 Plaintiff's damages at trial as a remedial measure for his noncompliance with Court orders. The
11 Court declined to decide the issue at the time and indicated that Defendants would have an
12 opportunity to respond to the OSC too.
13

14 After the Court granted Plaintiff's request for a 7-day extension, he filed his response to
15 the OSC on April 6, 2017. ECF Nos. 229, 234. Defendants request leave to reply to Plaintiff's
16 response so that we may address several issues. More specifically, a reply by Defendants is
17 necessary to clarify their position regarding the propriety of sanctions and to address Plaintiff's
18 arguments regarding his failure to comply with the rules and Court orders. Defendants contacted
19 Plaintiff on April 10, 2017, for his position on this request for leave to file a reply, and he
20 indicated that he opposed the motion.
21

22 Defendants hereby attach their reply to Plaintiff's response to the OSC as Exhibit 1.
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28 Defendants' Opposed Motion for Leave to File Defendants' Reply to Plaintiff's Response to
Order to Show Cause
CASE NO. C 10-3910 MEJ

1 DATED: April 13, 2017

Respectfully submitted by,

2 CHAD A. READLER
Acting Assistant Attorney General

3 DAVID M. MCCONNELL
4 Director, Office of Immigration Litigation
5 Civil Division

6 ERNESTO H. MOLINA, JR.
7 Deputy Director

8 REGAN HILDEBRAND
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10 s/ Linda Y. Cheng
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CASE NO. C 10-3910 MEJ

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2017, I electronically filed the foregoing with the Clerk of Court via the CM/ECF. I certify that all participants in the case are registered CM/ECF users and that service on Plaintiff will be accomplished by the CM/ECF system.

Respectfully submitted by,

s/ Linda Y. Cheng
LINDA Y. CHENG
Trial Attorney